GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Public Services - Agriculture & Cooperation Department - Horticulture – Sri G.Sai Kumar, the then Village Horticulture Assistant, Dondlavagu Village RBK, Lingala Mandal, YSR Kadapa District – Allegations of failure in attending his duties; delay in remittance of seed amount and non-completion of e-crop booking and e-KYC – Disciplinary Proceedings issued, under A.P.Civil Services (CCA) Rules, 1991 - Imposed the Major Penalty of 'Removal' from Service – Appeal Petition submitted – Admitted – Deviations noticed in the stages of disciplinary action - Setting aside the Penalty of 'Removal' imposed on the individual – Orders – Issued.

AGRICULTURE AND CO-OPERATION (VIG.I) DEPARTMENT

G.O.Rt.No.678 **Dated: 28/10/2024**

Read the following:

1. From the Coordinator-Legislative Affairs & Govt. Whip, APLA, Amaravati Letter No.3859/MLA/Rcty/2023, dt.18.09.2023, along with Appeal Petition dt.Nil of Sri G.Sai Kumar, VHA(Removed), Dondlavagu Village RBK, Lingala Mandal, YSR Kadapa District, received through Endt.No.449,dt.04.10.2023 of the Hon'ble Minister for Agriculture.
2. From the Coordinator-Legislative Affairs & Govt. Whip, APLA, Amaravati Letter No.3859/MLA/Rcty/2023, dt.18.09.2023, along with Appeal Petition dt.Nil of Sri G.Sai Kumar, VHA(Removed), Dondlavagu Village RBK, Lingala Mandal, YSR Kadapa District, received through CMP No.1238/OSD to Spl.CS to CM/2023, dt.21.11.2023.
3. Govt.Memo.No.AGC01-AGRI/357/2023-Vig.I, A&C (Vig.I) Dept., dt.09.10.2023, 28.11.2023 & 23.01.2024.
4. From the Commissioner of Agriculture, A.P., Guntur, Lr.No.Estt-I(2)17/2023, dt.04.01.2024 & 12.02.2024.
5. Govt.Memo.No.AGC01-AGRI/357/2023-Vig.I, A&C (Vig.I) Dept., dt.31.07.2024.
6. Appeal Petition dt.12.08.2024 of Sri G.Sai Kumar, VHA (Removed), Dondlavagu Village RBK, Lingala Mandal, YSR Kadapa District.
7. From the Collector & District Magistrate, YSR Kadapa District Letter Rc.No.A/40/VHA/2019, dt.18.09.2024.
8. From the Director of Horticulture, A.P., Guntur, Lr.No.Estt-I(2)17/2023, dt.30.08.2024.

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O R D E R:

In the references 1st and 2nd read above, the Coordinator-Legislative Affairs & Govt. Whip, A.P. Legislative Assembly, Amaravati, through his letters addressed to the Minister for Agriculture as well as the Hon'ble C.M., has forwarded the representation of Sri G.Sai Kumar, Village Horticulture Assistant, Dondlavagu Village RBK, Lingala Mandal, YSR Kadapa District, and stated that he was removed from service due to allegations of failure in attending his duties and delay in remittance of seed amount and non-completion of e-crop booking and e-KYC.

2. He has further stated that the individual did not attend to duties due to ill health (snake bite) and his total family is completely depending on his job and hence he has requested to revoke the penalty, by considering as his first mistake and reinstate him into service as Village Horticulture Assistant, duly transferring him to Annamayya District on medical and humanitarian grounds.

3. In the reference 3rd read above, the Government have forwarded copies of the above letters to the Commissioner of Horticulture, A.P., Guntur, with a request to examine the contents therein and furnish a detailed report/recommendations to the Government.

4. In the reference 4th read above, the Commissioner of Horticulture, A.P., Guntur has submitted his detailed remarks in the above said disciplinary case of Sri G.Sai Kumar, the then Village Horticulture Assistant, Dondlavagu Village RBK, Lingala Mandal, YSR Kadapa District and requested the Government to take further action in the matter.

5. In the reference 5th read above, the Government have called for the original records relating to the disciplinary action against Sri G.Sai Kumar, the then Village Horticulture Assistant, Dondlavagu Village RBK, Lingala Mandal, YSR Kadapa District for further examination at Government level.

(P.T.O.)

6. In the reference 6th read above, Sri G.Sai Kumar, Village Horticulture Assistant (Removed), Dondlavagu Village RBK, Lingala Mandal, YSR Kadapa District has submitted an Appeal Petition to the Government stating that, the Collector and District Magistrate, YSR Kadapa District has removed him from service for non-completion of e-crop booking and e-kyc. He has applied leave due to snake bite and not attended Office during Kharif-2021. Since he is the only Village Horticulture Assistant, he is unable to complete the e-crop bookings within the remaining short time. He has also stated that he belongs to SC community and his parents are completely depending on his job. Hence, he has requested to consider it as his first mistake and reinstate him into services.

7. In the reference 7th read above, the Collector & District Magistrate, YSR Kadapa District has informed that Sri G.Sai Kumar, Village Horticulture Assistant (Removed), Dondlavagu Village RBK, Lingala Mandal, YSR Kadapa District is frequently submitting his grievances through public representatives to consider for re-appointment and hence requested the Government, to examine his case and take necessary action at Government level.

8. In the reference 8th read above, the Director of Horticulture, A.P., Guntur has submitted the original records, relating to the disciplinary action against Sri G.Sai Kumar, Village Horticulture Assistant (Removed), Dondlavagu RBK, Lingala Mandal, YSR Kadapa District, for further action in the matter.

9. The Government have admitted the Appeal Petition of Sri G.Sai Kumar, Village Horticulture Assistant (Removed), Dondlavagu RBK, Lingala Mandal, YSR Kadapa District and on perusal of the records, noticed the following deviations:

a) Articles of Charge issued through Rc.No.A/Estt/VHA/40/2019, dt.23.11.2022, are not in the standard form prescribed under A.P.Civil Services (CCA) Rules, 1991;

b) As per procedure laid down in A.P.Civil Services (CCA) Rules, 1991, (10) days time be given for submission of Written Statement of Defence (WSD) to the Articles of Charge issued and after examination of the WSD, regular inquiry be ordered and (1) to (2) months time be given for submission of inquiry report. But, in the present case, **(i) Proceedings of Articles of Charge, (ii) Appointment of Inquiring Authority and Presenting Officer are issued on the same day/date, i.e.23.11.2022.** Hence, the Charged Officer has no scope to submit his Written Statement of Defence (WSD) to the Disciplinary Authority.

c) During inquiry only, the Charged Officer has submitted his Written Statement of Defence (WSD) to the Inquiring Authority, but the latter has not taken into consideration the facts put forth by the Charged Officer and submitted the biased report.

d) The Disciplinary Authority has not communicated a copy of the inquiry report to the Charged Officer and not obtained his representation on it, under rule 21(2) of A.P. Civil Services (CCA) Rules, 1991;

e) The Joint Director of Agriculture, YSR Kadapa is the Disciplinary Authority in this case and hence he has initiated disciplinary proceedings against the individual; but, as irony would have it, the Collector & District Magistrate, YSR Kadapa has issued removal proceedings in respect of the individual.

10. Thus, the Government have observed that, the Joint Director of Agriculture, YSR Kadapa has completely deviated the procedure laid down in the A.P.Civil Services (CCA) Rules, 1991 while dealing with the disciplinary case of Sri G.Sai Kumar, Village Horticulture Assistant (Removed), Dondlavagu Village RBK, Lingala Mandal, YSR Kadapa District and hence it is not tenable before the Court of Law. Further, the entire disciplinary action seems to be pre-meditated and the penalty imposed on the individual is not commensurate with the offence committed by him.

11. The Government, after careful examination of the matter, have decided to set aside the Proceedings No.A/Estt.40/2019, dt.30.11.2022 of the Collector and District Magistrate, YSR Kadapa, imposing the penalty of 'Removal' on Sri G.Sai Kumar, Village Horticulture Assistant, Dondlavagu Village RBK, Lingala Mandal, YSR Kadapa District, under rule 37(2)© (ii) of the A.P.Civil Services (CCA) Rules, 1991, and order accordingly.

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12. The Director of Horticulture, A.P., Guntur, shall take further necessary action in the matter.

13. The original records relating to the above said disciplinary case are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B. RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To:
The Director of Horticulture, A.P., Guntur (w.e.).
Sri G.Sai Kumar, Village Horticulture Assistant,
Dondlavagu Village RBK, Lingala Mandal, YSR Kadapa District.

Copy to:
The Collector and District Magistrate, YSR Kadapa.
The Joint Director of Agriculture, YSR Kadapa.
Sf/Sc.

// FORWARDED BY ORDER//

SECTION OFFICER